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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,096	09/18/2003	Brian R. MacDonald	PRD-2110-USANP	1638
27777	7590	02/21/2008	EXAMINER	
PHILIP S. JOHNSON JOHNSON & JOHNSON ONE JOHNSON & JOHNSON PLAZA NEW BRUNSWICK, NJ 08933-7003				ART UNIT
				PAPER NUMBER

DATE MAILED: 02/21/2008

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10667096	9/18/03	MACDONALD ET AL.	PRD-2110-USANP

EXAMINER

Bridget E. Bunner

ART UNIT

PAPER

1647

20080204

DATE MAILED:

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Commissioner for Patents

Receipt is acknowledged of a request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e) and a submission, filed on 26 October 2007. However, Applicant's supplemental claim amendments of 19 November 2007 are not fully responsive to the prior Office action because Applicant has cancelled all previously examined claims and has added new claims 19-52 that are not drawn to the originally elected invention. For example, the previous claims were directed to administering a TPO mimetic compound to a subject to increase stem cells, harvesting the stem cells, treating the subject with a bone marrow ablative treatment, and transplanting the harvested stem cell into the subject. The newly submitted method claims do not recite the steps in the previous claims. The newly submitted method claims also recite administering a different mimetic than the one in the previous claims. Furthermore, the amendment of 19 November 2007 introduces product claims. The previous and original claims were not directed to a product.

It is noted that RCE practice under 37 CFR 1.114 is directed to continued prosecution of the same invention in the same application and does not allow for switching inventions as a matter of right (divisional equivalent). See 35 U.S.C. § 132(b) and MPEP § 706.07(h) for RCE practice. Since the submission appears to be a bona fide attempt to provide a complete reply to the prior Office action, applicant is given a shortened statutory period of ONE MONTH or THIRTY DAYS from the mailing date of this letter, whichever is longer, to submit a complete reply. This shortened statutory period for reply supersedes the time period set in the prior Office action. This time period may be extended pursuant to 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bridget E. Bunner whose telephone number is (571) 272-0881. The examiner can normally be reached on 8:30-4:30 M-F. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Manjunath Rao can be reached on (571) 272-0939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BEB
Art Unit 1647
04 February 2008

/Bridget E Bunner/
Primary Examiner, Art Unit 1647

